

RECEIVED
CENTRAL FAX CENTER

DEC 01 2004

OFFICIAL

CARDINAL LAW GROUP

1603 Orrington Avenue/Suite 2000
Evanston, Illinois 60201
Telephone 847 - 905 - 7111
Facsimile 847 - 905 - 7113

Date: DECEMBER 1, 2004

To: EXAMINER CHERY, M.
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 746-7239

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: AUS920010132US1 (9000/29)

of Pages: 19

(including cover sheet)

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL 847/905-7111, Ext. 112 AND ASK FOR JENNIFER CRUZ

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

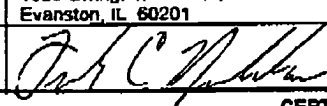
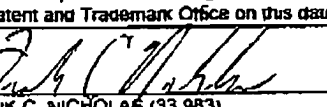
PTO Form 21 (12-97) approved for use through 10/30/00. OMB 0501-0031. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE. Under the Paper Reduction Act of 1995, no person are required to respond to a correspondence if it displays a valid OMB control number.

<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Attorney Docket No.	AUS920010132US1 (9000/28)
	Application Number	09/603,721
	Filing Date	JULY 12, 2001
	First Named Inventor	PATRICK J. BOHRER
	Group Art Unit	2188
	Examiner	CHERY, M

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response to Office Action Dated November 3, 2004 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition Under MPEP 711.03(c)(1) <input type="checkbox"/> Applicant Initiated Interview Request Form <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Express Abandonment Under 37 CFR 1.138 <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.138(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed.		

CALCULATION OF FEE

				Small Entity		Large Entity	
	Claims After Amendment		Highest No. Previously Paid For	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus	0	x \$9=	0	x \$18=	
Indep.		Minus	0	x \$44=	0	x \$88=	
First Presentation of Multiple Dep. Claim				+ \$150=	—	+ \$300=	
				total add'l fee	\$ 0	total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name:	FRANK C. NICHOLAS Registration No. 33,883 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature:		Date:	December 1, 2004
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted via facsimile to (703) 748-7239 to the United States Patent and Trademark Office on this date: December 1, 2004			
Signature:		Date:	December 1, 2004
FRANK C. NICHOLAS (33,883)			

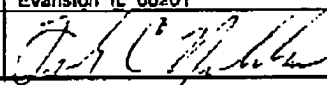
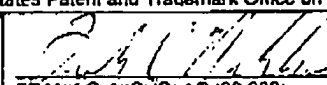
PTO/SB/1 (11/01) Approved for use through 9/30/05 Dep 0051-0171 Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Under the Paper Reduction Act of 1996, no payments are required to respond to a communication where it displays a valid USPO control number

<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Attorney Docket No.	AUS920010132US1 (9000/29)
	Application Number	09/903,721
	Filing Date	JULY 12, 2001
	First Named Inventor	PATRICK J. BOHRER
	Group Art Unit	2188
	Examiner	CHERY, M.

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response to Office Action Dated November 3, 2004 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (oup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition Under MPEP 711.03(c)II <input type="checkbox"/> Applicant Initiated Interview Request Form <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Express Abandonment Under 37 CFR 1.138 <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Encl, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No <u>09-0447</u> (IBM Corporation). A duplicate copy of this sheet is enclosed		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No <u>09-0447</u> (IBM Corporation). A duplicate copy of this sheet is enclosed		

CALCULATION OF FEE

				Small Entity		Large Entity			
	Claims After Amendment		Highest No Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus		0	x \$9=	0		x \$18=	
Indep		Minus		0	x \$44=	0		x \$88=	
First Presentation of Multiple Dep Claim					+ \$150=	---		+ \$300=	
					total add'l fee	\$ 0		total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston IL 60201		
Signature		Date	December 1, 2004
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted via facsimile to (703) 746-7239 To the United States Patent and Trademark Office on this date.			December 1, 2004
Signature		Date	December 1, 2004
FRANK C. NICHOLAS (33,983)			

RECEIVED
CENTRAL FAX CENTER

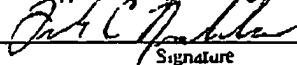
DEC 01 2004

Certificate of Facsimile

I hereby certify that this correspondence is being
transmitted via facsimile to (703) 746-7239 to the
United States Patent and Trademark Office on December 1, 2004
(Date of Transmission)

FRANK C. NICHOLAS (33983)

Name of Applicant, assignee or registered representative



Signature

December 1, 2004

Date of Signature

PATENT
Case No.: AUS920010132US1
(9000/29)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

PATRICK J. BOHRER, ET AL.

Serial No.: 09/903,721

Filed: JULY 12, 2001

Title: DATA STORAGE ON A MULTI-TIERED
DISK SYSTEM

Examiner: CHERY, M.

Group Art Unit: 2188

RESPONSE TO OFFICE ACTION DATED NOVEMBER 3, 2004Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action dated November 3, 2004, please enter the
following remarks.